

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-01799-APM**

DEMOCRACY FORWARD FOUNDATION v. U.S.  
DEPARTMENT OF COMMERCE  
Assigned to: Judge Amit P. Mehta  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/31/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**DEMOCRACY FORWARD  
FOUNDATION**

represented by **Karianne Melissa Jones**  
DEMOCRACY FORWARD  
FOUNDATION  
1333 H Street NW  
Washington, DC 20005  
(202) 448-9090  
Email: [kjones@democracyforward.org](mailto:kjones@democracyforward.org)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF  
COMMERCE**

represented by **William Mark Nebeker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2536  
Fax: (202) 252-2599  
Email: [mark.nebeker@usdoj.gov](mailto:mark.nebeker@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/31/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF COMMERCE ( Filing fee \$ 400 receipt number 0090-5613413) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Jones, Karianne) (Entered: 07/31/2018)
08/01/2018		Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 08/02/2018)
08/02/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 08/02/2018)
08/07/2018	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by DEMOCRACY FORWARD FOUNDATION (Jones, Karianne) (Entered: 08/07/2018)
08/15/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/6/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 9/5/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/6/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF COMMERCE served on 8/6/2018 (Attachments: # <u>1</u> Declaration)(Jones, Karianne) (Entered: 08/15/2018)

08/16/2018	<u>5</u>	NOTICE of Appearance by William Mark Nebeker on behalf of U.S. DEPARTMENT OF COMMERCE (Nebeker, William) (Entered: 08/16/2018)
09/05/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 09/05/2018)
09/06/2018		MINUTE ORDER granting Defendant's <u>6</u> Unopposed Motion for Enlargement of Time. Defendant shall respond to Plaintiff's Complaint no later than September 12, 2018. Signed by Judge Amit P. Mehta on 09/06/2018. (lcapm1) (Entered: 09/06/2018)
09/06/2018		Set/Reset Deadlines: Defendant's Responsive Pleading to Complaint due by 9/12/2018. (zjd) (Entered: 09/07/2018)
09/12/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF COMMERCE.(Nebeker, William) (Entered: 09/12/2018)
09/13/2018	<u>8</u>	ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before September 27, 2018. The Joint Status Report shall include (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see the attached Order for further details. Signed by Judge Amit P. Mehta on 09/13/2018. (lcapm1) (Entered: 09/13/2018)
09/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/27/2018. (zjd) (Entered: 09/14/2018)
09/13/2018		Set/Reset Deadlines: Joint Status Report due by 9/27/2018. (zjd) (Entered: 09/14/2018)
09/27/2018	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 09/27/2018)
09/28/2018		MINUTE ORDER. Upon consideration of the parties' <u>9</u> September 27, 2018, Joint Status Report, the parties are directed to file another Joint Status Report, on or before October 29, 2018, that updates the court on their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 09/28/2018. (lcapm1) (Entered: 09/28/2018)
09/28/2018		Set/Reset Deadlines: Joint Status Report due by 10/29/2018. (zjd) (Entered: 09/28/2018)
10/29/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 10/29/2018)
10/30/2018		MINUTE ORDER. The parties shall file an additional Joint Status Report no later than November 29, 2018, updating the court on the agency's search and production efforts in response to Plaintiff's FOIA request. Signed by Judge Amit P. Mehta on 10/30/2018. (lcapm1) (Entered: 10/30/2018)
10/30/2018		Set/Reset Deadlines: Joint Status Report due by 11/29/2018. (zjd) (Entered: 10/31/2018)
11/29/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 11/29/2018)
11/29/2018		MINUTE ORDER. Upon consideration of the parties' <u>11</u> November 29, 2018, Joint Status Report, the parties are directed to file another Joint Status Report, on or before January 9, 2019, that updates the court on their progress. Signed by Judge Amit P. Mehta on 11/29/2018. (lcapm1) (Entered: 11/29/2018)
11/29/2018		Set/Reset Deadlines: Joint Status Report due by 1/9/2019. (zjd) (Entered: 12/03/2018)
01/08/2019	<u>12</u>	Unopposed MOTION to Stay ( <i>Defendant's Unopposed Motion to Stay Proceedings in Light of Lapse in Appropriations</i> ) by U.S. DEPARTMENT OF COMMERCE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 01/08/2019)

01/10/2019		ORDER granting <u>12</u> Defendant's Unopposed Motion to Stay Proceedings. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendant shall notify the court by when the parties will file their Joint Status Report. Signed by Judge Amit P. Mehta on 01/10/2019. (lcapm1) (Entered: 01/10/2019)
01/29/2019	<u>13</u>	NOTICE OF RESTORED GOVERNMENT FUNDING AND JOINT STATUS REPORT by U.S. DEPARTMENT OF COMMERCE (Nebeker, William) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. The parties shall file their next Joint Status Report no later than February 20, 2019. Signed by Judge Amit P. Mehta on 01/30/2019. (lcapm1) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/20/2019. (zjd) (Entered: 02/05/2019)
02/26/2019		MINUTE ORDER. The parties did not file a Joint Status Report by February 20, 2019, as the court directed in its Minute Order entered on January 30, 2019. The parties shall file a status report no later than February 28, 2019. Signed by Judge Amit P. Mehta on 02/26/2019. (lcapm1) (Entered: 02/26/2019)
02/28/2019	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 02/28/2019)
02/28/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by April 3, 2019, updating the court on the status of Defendant's production of responsive records. Signed by Judge Amit P. Mehta on 02/28/2019. (lcapm1) (Entered: 02/28/2019)
02/28/2019		Set/Reset Deadlines: Joint Status Report due by 4/3/2019. (zjd) (Entered: 03/10/2019)
04/03/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 04/03/2019)
04/04/2019		MINUTE ORDER. The parties shall file their next Joint Status Report by May 15, 2019, which updates the court on Defendant's production and estimates a date for completing production. Signed by Judge Amit P. Mehta on 04/04/2019. (lcapm1) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/15/2019. (zjd) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/15/2019. (zjd) (Entered: 04/05/2019)
05/15/2019	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 05/15/2019)